

REMARKS

This Amendment is responsive to the Final Office Action dated October 16, 2006. Claims 1 and 3-8 were pending in the application. In the Office Action, claims 1 and 3-8 were rejected. In this Amendment, claim 1 was amended. Claims 1 and 3-8 thus remain for consideration.

Applicant submits that claims 1 and 3-8 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§ 103 Rejections

Claims 1 and 3-6 were rejected under 35 USC 103(a) as being unpatentable over Schachter (USPN D340,670) in view of Friedman et al. (USPN 6,430,963).

Claims 7 and 8 were rejected under 35 USC 103(a) as being unpatentable over Schachter (USPN D340,670) in view of Friedman et al. (USPN 6,430,963) as applied to Claim 1 above, and further in view of Wueste (USPN 6,698,239).

Schachter, Friedman and Wueste do not disclose a gemstone cut that includes a brilliant cut crown that is located on an upper side of a girdle, whereby the girdle has a plane and comprises n sides, wherein n is an integer, and the crown includes a n -sided table, n upper girdle facets and n upper corner facets, the upper girdle facets being five-sided polygons and the upper crown facets being three-sided polygons.

And since Schachter, Friedman and Wueste do not disclose a gemstone cut that includes a brilliant cut crown that is located on an upper side of a girdle, whereby the girdle has a plane and comprising n sides, wherein n is an integer, and the crown includes a n -sided table, n upper girdle facets and n upper corner facets, the upper girdle facets

being five-sided polygons and the upper crown facets being three-sided polygons, Applicants believe that independent claim 1 is patentable over Schachter, Friedman and Wueste. Accordingly, the above rejections are traversed.

Claims 3-8 depend on claim 1. Since claim 1 is believed to be patentable over Schachter, Friedman and Wueste, claims 3-8 are also believed to be patentable over Schachter, Friedman and Wueste on the basis of their dependency on claim 1.

CONCLUSION

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,

Matthew T. Dennehy
Reg. No. 52,811

STEPHEN E. FELDMAN, P.C.
12 East 41st Street
New York, New York 10017
(212) 532-8585